

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY BIRDINE,

Defendant.

8:06–CR–202

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Defendant Anthony Birdine, [Filing 211](#), and the Motion to Withdraw filed by Federal Public Defender, Mr. David R. Stickman. [Filing 213](#). After the Defendant filed his Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 212](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 212 at 1](#). Mr. Stickman has moved to withdraw as counsel because “subtraction of the Defendant’s assessed ‘status criminal history points’ in the Presentence Investigation Report does not change the Defendant’s Criminal History Category.” [Filing 213 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not entitled to a reduction. [Filing 214 at 2](#).

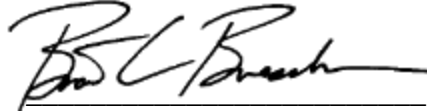
The Court has conducted its own review of the Defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief he seeks. His *pro se* Motion is without merit and will be denied. The Court likewise concludes that Mr. Stickman’s Motion to Withdraw should be granted for the reasons he set forth in his Motion. Accordingly,

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 213](#), is granted; and
2. Anthony Birdine's *pro se* Motion to Reduce Sentence, [Filing 214](#), is denied.

Dated this 4th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge